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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/632,479

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Yuri Leontiev

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INTUIT, INC.

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DAVIS, CA 95618-7759

EXAMINER

HEWITT II, CALVIN L

ART UNIT

PAPER NUMBER

3621

MAIL DATE

DELIVERY MODE

08/21/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/632,479	LEONTIEV ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Calvin L. Hewitt II	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11, 20-25 and 27-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 20-25 and 27-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11-19-03, 1-20-04</u> . | 6) <input type="checkbox"/> Other: _____  |

***Status of Claims***

1. Claims 1-11, 20-25 and 27-34 have been examined.

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 20-25 and 27-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 20-25 and 27-33 are directed to computer software not stored on a computer readable medium (e.g. for controlling a computer to perform the steps of) (MPEP 2106.01 section I).

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-11, 20-25 and 27-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "receiving a plurality of requests from a client". Claim 1 also recites "responsive to receiving a request, retrieving stored software license information...". To one of ordinary skill whether the claimed server receives one request from a user or a plurality of requests. Claims 20, 27, 33 and 34 recite similar language.

Claims 2-11, 21-25, and 28-32 are also rejected as each depends from either claim 1, 20 or 27.

The term "acceptably similar" in claims 9-11 is a relative term which renders the claim indefinite. The term "acceptably similar" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claims 10 and 11 are also rejected as each claim depends from claim 10.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-11, 20-25 and 27-34 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Rabin et al., U.S. Patent No. 6,697,948.

As per claims 1-11, 20-25 and 27-34, Rabin et al. teach a server method for dynamically managing a user software license (column 26, lines 26-67; column 30, lines 45-50; column 59, lines 35-57) comprising:

- receiving a plurality of requests from a client to access at least one feature of a software program each request including identification and license verification concerning the user (figure 12; column 28, lines 6-11; column 35, lines 17-26; column 41, lines 52-63; column/line 48/57-48/8; column 53, lines 16-23 and 50-60)
- responsive to receiving a request, retrieving stored software license information concerning the user that corresponds to the received

license information (figure 2, items 126, 210 and 212, figures 3A-C, 6, 10 and 13A-B; column 35, lines 17-26; column 37, lines 45-51; column 48, lines 8-32; column/line 49/32-51/28)

- determining current software license information concerning the user (figure 2, items 126, 210 and 212, figures 6 and 13A-B; column 35, lines 17-26; column/line 50/12-51/27; column/line 55/56-56/10)
- returning current software license information concerning the user to the client (figure 2, item 212, figures 6 and 13A-B; column/line 48/47-49/33; column 50, lines 33-65; column 56, lines 51-64)
- determining that the current license information is that the user is not licensed to run the software program (i.e. requested feature) and returning the current license information (i.e. not licensed to run) to the user (figures 6 and 13A-B)
- determining that the current license information is that the user is licensed to run the software and returning the current license information (i.e. licensed to run) to the user (figures 6 and 13A-B)
- determining that the current license information allows for modifying (e.g. activating, deactivating, extending, restricting, upgrading or downgrading) license information, returning the current license

information to the user, modifying and storing the modified license concerning the user (figures 6 and 13A-B)

- deactivating the user software license (figures 6 and 13A-B)
- not providing the software program (i.e. requested feature) or returning current software license information to the user indicating that the user is not licensed to access the software program (i.e. requested feature) (figures 6 and 13A-B)
- providing the software program (i.e. requested feature) or returning current software license information to the user indicating that the user is licensed to access the software program (i.e. requested feature) (figures 6 and 13A-B)
- receiving a hardware configuration identifier of a user, determining current license information by comparing the received hardware configuration identifier with a stored hardware configuration identifier, updating and returning that the user is or is not licensed to run the software program (column/line 42/58-43/35; column/line 50/33-51/27; column/line 61/65-50)

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Grundy et al. teach determining whether a user is authorized to use licensed software
- Erickson teaches adding new features to an already licensed product
- Murray teaches verifying product licenses using hardware and product identifiers

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (571) 272-6709. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Fischer, can be reached at (571) 272-6779.

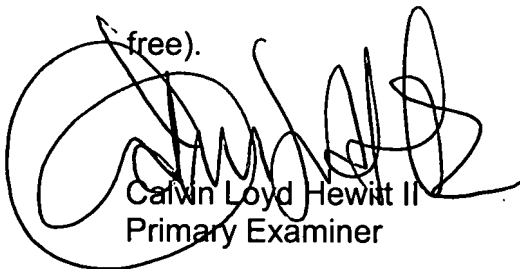
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR



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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free).

A handwritten signature in black ink, appearing to read "Calvin Hewitt II", is written over the printed name. The signature is stylized with large, sweeping loops.

Calvin Loyd Hewitt II  
Primary Examiner

August 7, 2007